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9	UNITED STATES DISTRICT COURT
10	NORTHERN DISTRICT OF CALIFORNIA
11	SAN JOSE DIVISION
12) Case No.: 11-CV-03999-LHK
13	JOSEPHINE SMITH, an individual, and A.S., a) minor, FINAL VERDICT FORM
14	Plaintiffs,)
15	v.
16 17	CITY OF SANTA CLARA, a public entity, and) CLAY ROJAS, an individual.
18	Defendants.
19	We, the jury, unanimously agree to the answers to the following questions and return them
20	under the instructions of this Court as our verdict in this case.
21	I. 42 U.S.C. § 1983 – Violation of Fourth Amendment – Excessive Force (Josephine Smith Against Defendant Clay Rojas).
22	
23	We answer the questions submitted to us as follows:
24	1. Did Clay Rojas use excessive force against Josephine Smith?
25	Yes No
26	If your answer to question 1 is yes, then answer question 2. If you answered no, go to
27	Section II.
28	
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1	2. Did Clay Rojas act under color of law?
2	Yes No
3	If your answer to question 2 is yes, then answer question 3. If you answered no, go to
4	Section II.
5	3. Was Josephine Smith harmed by defendant Clay Rojas' use of force?
6	Yes No
7	If your answer to question 3 is yes, then answer question 4. If you answered no, go to
8	Section II.
9	4. Was Clay Rojas' conduct a substantial factor in causing harm to Josephine Smith?
10	Yes No
11	If your answer to question 4 is yes, then answer question 5. If you answered no, go to
12	Section II.
13	5. What are Josephine Smith's damages?
14	TOTAL: \$
15	Go to Section II.
16	II. 42 U.S.C. § 1983 – Violation of First Amendment – Retaliation (Josephine Smith
17	Against Defendant Clay Rojas).
18	We answer the questions submitted to us as follows:
19	6. Did Josephine Smith engage in speech protected under the First Amendment?
20	Yes No
21	If your answer to question 6 is yes, then answer question 7. If you answered no, go to
22	Section III.
23	7. Did Clay Rojas take action against Josephine Smith?
24	Yes No
25	If your answer to question 7 is yes, then answer question 8. If you answered no, go to
26	Section III.
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1	8. Was Josephine Smith's protected speech a substantial or motivating factor for Clay
2	Rojas' action?
3	Yes No
4	If your answer to question 8 is yes, then answer question 9. If you answered no, go to
5	Section III.
6	9. Did Clay Rojas act under color of law?
7 8	Yes No
9	If your answer to question 9 is yes, then answer question 10. If you answered no, go to
10	Section III.
11	10. Was Josephine Smith harmed by Clay Rojas' action?
12	Yes No
13	If your answer to question 10 is yes, then answer question 11. If you answered no, go to
14	Section III.
15	11. Was Clay Rojas' conduct a substantial factor in causing harm to Josephine Smith?
16	Yes No
17	If your answer to question 11 is yes, then answer question 12. If you answered no, go to
18	Section III.
19	12. What are Josephine Smith's damages? TOTAL: \$.
20	TOTAL: \$ Go to Section III.
21	Go to Section III.
22	
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	Cal. Civ. Code § 52.1 – Vio Defendants Clay Rojas and		
We	answer the questions submit	ted to us as follows:	
12. D	id a defendant use actions th	at a reasonable person wo	ould have found threatening,
in	timidating, or coercive agair	ast Josephine Smith, which	h (a) interfered with Josephine
Sı	mith's constitutional rights, o	or (b) caused Josephine S	mith to reasonably believe that i
sh	e exercised her constitutiona	al rights, defendants woul	d commit violence against her
or	her property?		
	Clay Rojas	Yes	No
	City of Santa Clara	Yes	No
Afte	er you answer question 12, g	o to question 13.	
13.	Did a defendant act violen	tly against Josephine Smi	th or her property, which
	interfered with her constitu	itional rights?	
	Clay Rojas	Yes	No
	City of Santa Clara	Yes	No
Afte	er you answer question 13, g	o to question 14.	
14.	Did a defendant act violen	tly against Josephine Smi	th or her property to prevent
	Josephine Smith from exer	cising or enjoying her co	nstitutional rights, or to retaliate
	against Josephine Smith fo	or having exercised or enj	oyed her constitutional rights?
	Clay Rojas	Yes	No
	City of Santa Clara	Yes	No
	Yes	No	
If y	our answer to questions 12,	13, or 14 is yes, go to que	stion 15. If you answered no to
uestions 1	2, 13, and 14, go to Section	IV.	
15.	Was a defendant's conduc	t a substantial factor in ca	using harm to Josephine Smith
	Clay Rojas	Yes	No
	City of Santa Clara	Yes	No
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1		If yo	our answ	er to question 15	is yes a	s to any defe	ndant, then answ	ver question 16. If y	our
2	answe	r to q	uestion 1	15 is no as to all d	efendar	nts, go to Sec	tion IV.		
3		16.	What are	Josephine Smith	's dama	ages?			
4		TO	ΓAL:	\$	·				
5		Go	to Sectio	on IV.					
67	IV			. Code § 52.1 – V nd the City of Sar			e Act– (A.S. Ag	ainst Defendants C	lay
8		We	answer t	he questions subn	nitted to	o us as follow	vs:		
9	17.		Did a def	fendant use action	s that a	ı reasonable p	erson would ha	ve found threatening	5 ,
10			intimidat	ing, or coercive a	gainst A	A.S., which (a	a) interfered wit	h A.S.'s constitution	ıal
11		1	rights, or	(b) caused A.S. t	o reaso	nably believe	that if she exer	cised her constitutio	nal
12			rights, de	efendants would c	ommit	violence agai	inst her or her pr	coperty?	
13			Clay	Rojas		Yes		No	
14			City	of Santa Clara		Yes		No	
15		Afte	er you an	swer question 17,	go to c	question 18.			
16		18.	Did a d	lefendant act viole	ently ag	gainst A.S. or	her property, w	hich interfered with	her
17			constitu	utional rights?					
18			Clay	Rojas		Yes		No	
19			·	of Santa Clara		Yes		No	
20		Afte	er you an	swer question 18,	go to c	question 19.			
21		19.						prevent A.S. from	
22				ing or enjoying he		C		e against A.S. for	
23				exercised or enjo	-		al rights?		
24			•	Rojas		Yes		No	
25			_	of Santa Clara		Yes		No	
26		-		_		: 19 is yes, go	to question 20.	If you answered no	as
27	to ques	stions	s 17, 18,	and 19, go to Sect	tion V.				
28						5			
- 1-	l								

20. Was a defendant's con	nduct a substantial factor in	causing harm to A.S.?
Clay Rojas	Yes	No
City of Santa Clara	Yes	No
If your answer to question 2	0 is yes as to any defendar	nt, then answer question 21. I
answer to question 20 is no as to all	defendants, go to Section	V.
21. What are A.S.'s damage	es?	
TOTAL: \$	·	
Go to Section V.		
V. Intrusion Into Private and the City of Santa C		Against Defendants Clay R
We answer the questions sul	bmitted to us as follows:	
22. Did Josephine Smith hav	ve a reasonable expectation	n of privacy in her home?
Yes	No	-
If your answer to question 2	0:	
if your unswer to question 2	22 is yes, then answer quest	tion 23. If you answered no,
Section VI.	2 is yes, then answer quest	tion 23. If you answered no,
	•	·
Section VI.	•	·
Section VI. 23. Did a defendant intentio	nally intrude in Josephine	Smith's home?
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara	nally intrude in Josephine Yes Yes	Smith's home? No
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara	nally intrude in Josephine Yes Yes 3 is yes as to any defendar	Smith's home? No No
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI.	Smith's home? No No nt, then answer question 24. I
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI.	Smith's home? No No nt, then answer question 24. I
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go 24. Would the defendant's in	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI. ntrusion be highly offensiven.	Smith's home? No No nt, then answer question 24. If ye to a reasonable person?
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go 24. Would the defendant's in Clay Rojas City of Santa Clara	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI. Intrusion be highly offensiv Yes Yes	Smith's home? No No nt, then answer question 24. If ye to a reasonable person? No
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go 24. Would the defendant's in Clay Rojas City of Santa Clara	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI. Intrusion be highly offensiv Yes Yes 4 is yes as to any defendar	Smith's home? No No nt, then answer question 24. If we to a reasonable person? No No No
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go 24. Would the defendant's in Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI. Intrusion be highly offensiv Yes Yes 4 is yes as to any defendar to to Section VI.	Smith's home? No No nt, then answer question 24. If we to a reasonable person? No No No
Section VI. 23. Did a defendant intentio Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go 24. Would the defendant's in Clay Rojas City of Santa Clara If your answer to question 2 answered no as to all defendants, go	nally intrude in Josephine Yes Yes 3 is yes as to any defendar to to Section VI. Intrusion be highly offensiv Yes Yes 4 is yes as to any defendar to to Section VI.	Smith's home? No No nt, then answer question 24. If the answer question 24. If the present of the person? No No nt, then answer question 25. If the answer question 25. If the present of the person is the person in the person is the person in

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1	If your answer to question 25	is yes as to any defendar	nt, then answer question 26. If y	our'
2	answer to question 25 is no as to all d	lefendants, go to Section	VI.	
3	26. What are Josephine Smith	a's damages?		
4	TOTAL: \$	·		
5	Go to Section VI.			
67	VI. Intrusion Into Private A of Santa Clara)	ffairs (A.S. Against Def	Cendants Clay Rojas and the C	ity
8	We answer the questions subr	nitted to us as follows:		
9	27. Did A.S. have a reasonabl	e expectation of privacy	in her home?	
10	Yes	No		
11	If your answer to question 27	is yes, then answer ques	tion 28. If you answered no, go	to
12	Section VII.			
13	28. Did a defendant intentional	ally intrude in A.S.'s hon	ne?	
14	Clay Rojas	Yes	No	
15	City of Santa Clara	Yes	No	
16	If your answer to question 28	is yes as to any defendar	nt, then answer question 29. If y	'ou
17	answered no as to all defendants, go t	to Section VII.		
18	29. Would the defendant's int	rusion be highly offensiv	ve to a reasonable person?	
19	Clay Rojas	Yes	No	
20	City of Santa Clara	Yes	No	
21	If your answer to question 29	is yes as to any defendar	nt, then answer question 30. If y	'ou
22	answered no as to all defendants, go t	to Section VII.		
23	30. Was the defendant's cond	uct a substantial factor ir	a causing harm to A.S.?	
24	Clay Rojas	Yes	No	
25	City of Santa Clara	Yes	No	
26	If your answer to question 30	is yes as to any defendar	nt, then answer question 31. If y	'ou
27	answered no as to all defendants, go t	to Section VII.		
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Clay Rojas Yes ____ No ____
City of Santa Clara Yes ____ No ___

If your answer to question 35 is no, then answer question 36. If you answered yes, go to Section VIII.

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Case 5:11-cv-03999-LHK Document 270 Filed 12/17/13 Page 10 of 13 40. Did Josephine Smith suffer severe emotional distress? 2 Yes _____ No _____ 3 If your answer to question 40 is yes, then answer question 41. If you answered no, go to 4 Section IX. 5 41. Was the defendant's conduct a substantial factor in causing Josephine Smith's severe 6 emotional distress? 7 Clay Rojas Yes _____ No _____ 8 City of Santa Clara Yes No 9 If your answer to question 41 is yes as to any defendant, then answer question 42. If you 10 answered no as to all defendants, go to Section IX. 11 42. What are Josephine Smith's damages? 12 \$_____. TOTAL: 13 Go to Section IX. 14 IX. Intentional Infliction of Emotional Distress (A.S. Against Defendants Clay Rojas 15 and the City of Santa Clara) We answer the questions submitted to us as follows: 16 43. Was a defendant's conduct outrageous? 17 Clay Rojas Yes _____ No ____ 18 Yes _____ No _____ City of Santa Clara 19 If your answer to question 43 is yes as to any defendant, then answer question 44. If you 20 answered no as to all defendants, go to Section X. 21 Did the defendant intend to cause A.S. emotional distress, or did defendant act 44. 22 with reckless disregard of the probability that A.S. would suffer emotional distress, 23 knowing that A.S. was present when the conduct occurred? 24 Yes ____ No Clay Rojas 25 No _ City of Santa Clara Yes _____ 26 If your answer to question 44 is yes as to any defendant, then answer question 45. If you 27

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answered no, go to Section X.

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City of Santa Clara Yes _____ No _____

If your answer to question 49 is yes as to any defendant, then answer question 50. If you answered no as to all defendants, stop here, answer no further questions, and have the presiding juror sign and date this form.

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	50. Did the defendant enter the	property without Josep	hine Smith's permission?	
2	Clay Rojas	Yes	No	
3	City of Santa Clara	Yes	No	
	If your answer to question 50 i	s yes as to any defendar	at, then answer question 51. If you	
answ	vered no as to all defendants, stop	here, answer no further	questions, and have the presiding	
juror	sign and date this form.			
	51. Was a defendant's entry in	to the property authorize	ed by law?	
	Clay Rojas	Yes	No	
	City of Santa Clara	Yes	No	
	If your answer to question 51 v	vas no as to any defenda	ant, answer question 52. If your	
answ	ver was yes as to all defendants, st	op here, answer no furtl	ner questions, and have the	
presi	ding juror sign and date this form			
	52. Was Josephine Smith harm	ed by the defendant's en	ntry?	
	Clay Rojas	Yes	No	
	City of Santa Clara	Yes	No	
	If your answer to question 52 i	s yes as to any defendar	t, then answer question 53. If you	
answ	vered no as to all defendants, stop	here, answer no further	questions, and have the presiding	
juror	sign and date this form.			
	53. Was the defendant's entry	a substantial factor in ca	using harm to Josephine Smith?	
	Clay Rojas	Yes	No	
	City of Santa Clara	Yes	No	
	· -		nt, then answer question 54. If yo	
	-	here, answer no furthe	r questions, and have the presiding	g
juror	sign and date this form.			
	54. What are Josephine Smith'			
	TOTAL: \$	·		
Coss	No. 11-CV-03999-LHK	12		_

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he clerk tha	at you are ready to present your	verdict in the courtroom.	
Signed:		Date:	
ngneu	PRESIDING JUROR	Date	
	THESIDING SCHOR		